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OFFICE OF PETITIONS

In re Application of	:
Christian Boettcher	:
Application No. 10/722,362	:
Filed: November 26, 2003	:
Attorney Docket No.:	:
15540-017001 / 18.00246;	:
Title: PRESSURE SENSITIVE	:
DEFORMABLE MIRROR	:

This is a decision on the petition filed July 20, 2004, requesting that Figures 3-5 be accorded a filing date of November 26, 2003 as part of the original disclosure.

The application was deposited on November 26, 2003. However, on June 28, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Missing Parts of Nonprovisional Application (notice), stating that the application had been accorded a filing date, and advising applicants that the application appeared to have been deposited without Figures 3-5. The notice further indicated that the basic filing fee, an oath or declaration, and the accompanying surcharge would be required.

In response, on July 20, 2004, applicants filed the present petition. The petition is further accompanied by a copy of Figures 3-5, along with a copy of applicants' postcard receipt acknowledging receipt of "drawings (formal, 2 sheets)" in the United States Patent and Trademark Office (Office) on November 26, 2003. Petitioner has also included a declaration, the accompanying surcharge, and the filing fee. Applicants request that the entire application, including Figures 3-5, be accorded a filing date of November 26, 2003.

It is noted that one sheet of drawings containing Figures 1 and 2 has been located in the electronic file.

Upon review of the record, Figures 3-5 have not been located among the application papers. However, the evidence is convincing that the application papers deposited on November 26, 2003 included Figures 3-5, and the sheet containing these figures was subsequently misplaced in the Office.

Therefore, the application, including Figures 3-5, was complete on filing and entitled to a filing date of November 26, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The portion of the notice mailed June 28, 2004 which referred to the missing figures was sent in error, and that portion is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of \$130 will be refunded to petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 26, 2003, using the original application papers filed on that date, as well as Figures 3-5 submitted on July 20, 2004. Office records will then be updated to show that these figures were present on filing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.



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